

RESOLUTION NO. 2019-47

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE AND SITE PLAN APPROVAL TO NICHOLAS CARDINAL, APPLICANT, AND JIM VIZMEG, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A TWO-FAMILY DWELLING AT 1473 HIBBARD DRIVE AND DECLARING AN EMERGENCY.

WHEREAS, on February 26, 2019, the Planning Commission did prudently consider and did recommend to this Council the granting of conditional zoning certificate and site plan approval as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Nicholas Cardinal, applicant, and Jim Vizmeg, property owner, are hereby granted conditional zoning certificate and site plan approval to permit the construction of a two-family dwelling at 1473 Hibbard Drive. The property is located on the northeast corner of Hibbard Drive and Sunnyside Drive and is zoned R-3. Two-family dwellings are conditionally permitted in this district.

A similar request was reviewed and approved at the April 24, 2018 Planning Commission meeting and subsequently denied by City Council. The applicant has modified the proposed building elevation previously submitted by adding masonry to the front elevation, adding window lights adjacent to the front doors and revising the windows.

The existing lot is approximately 20,000 square feet in area and there is a vacant single-family dwelling on the property constructed in approximately 1950. The applicant is proposing to demolish the existing structure and construct a two-family dwelling on the property. The proposed structure will face Sunnyside Drive and will be 1,200 square feet in area.

The proposed dwelling complies with the supplemental requirements and locational criteria per 1163.04(a)1(A) and Schedule 1163.03. The property is located within 300 feet of two (2) two-family dwellings and exceeds the minimum lot size of 18,000 square feet and the minimum lot width of 120 feet (190 feet of frontage on Hibbard Drive).

Such approval shall be contingent upon the applicant complying with the following terms and conditions:

1. The applicant shall either execute the Assent and Acceptance By Applicant attached hereto or, in lieu thereof, and pursuant to 965.01 C.O.S., the applicant shall post a cash or surety bond in the amount of \$900.00 to the City of Stow to guarantee the applicant's faithful performance of all conditions and stipulations contained herein. Said bond shall be in a form approved by the Law Director.
2. To the Engineering and Building Departments' approval of construction plans.
3. To compliance with the site plan as approved by the Planning Commission on February 26, 2019, which is incorporated herein by reference and made a part hereof as if fully reappearing herein.
4. This approval is non-assignable and may not be transferred without the consent of Council.
5. This approval shall expire within one (1) year of the date of this enactment unless prior thereto a building permit has been issued and actual construction undertaken.

6. The authorization granted by this legislation shall become null and void if it is not signed or if the bond is not posted within 30 days from the effective date of this legislation.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This Resolution was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that the applicant wishes to start construction as soon as possible, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 3/18/19

ATTEST


Bonnie J. Emahiser
CLERK OF COUNCIL


Matt Riehl

PRESIDENT OF COUNCIL

FILED WITH MAYOR 3/19/19

APPROVED


John Pribonic
MAYOR

FILED WITH CLERK 3/19/19

APPROVED AS TO FORM

EFFECTIVE DATE 3/19/19


Brendan Mackin
LAW DIRECTOR

ASSENT AND ACCEPTANCE BY APPLICANT

I, Nicholas Cardinal, applicant, and I, Jim Vizmeg, property owner, have read the foregoing enactment by Stow City Council and do hereby assent and accept all terms and conditions contained herein as being the basis upon which approval was granted and upon which the authorized activity is expressly conditioned.

Date

By: Nicholas Cardinal

Date

By: Jim Vizmeg